

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, October 20, 2015

PRESENT: Supervisors Frank R. Mecham, Bruce S. Gibson, Lynn Compton and Chairperson
Debbie Arnold

ABSENT: Supervisor Adam Hill

RESOLUTION NO. 2015-269

**SECOND AMENDED RESOLUTION OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY
IN THE UNINCORPORATED AREA OF CAMBRIA**

The following second amended resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the "County") currently owns real property at 900 Main Street ("Main Street Property") totaling approximately 9,888 square feet of land zoned Commercial Retail in the unincorporated area of Cambria, CA, Assessor's Parcel Number 022-251-019; and

WHEREAS, the Main Street Property includes an existing commercial building totaling approximately 2,331 square feet and 0.58 water Equivalent Dwelling Units (EDUs) to serve the property; and

WHEREAS, the Main Street Property was acquired by the County on July 7, 1978 for the purpose of designing and constructing a library building; and

WHEREAS, on November 3, 2009, the County purchased another property, located at 1043 Main Street ("McKinney Property") in the unincorporated area of Cambria, CA, which was improved with a building to serve as a new library; and

WHEREAS, the new Cambria Library was opened at the McKinney Property on December 26, 2013; and

WHEREAS, the Main Street Property is no longer used as a library and is no longer necessary for County use; and

WHEREAS, the County and the Friends of the Cambria Library ("Friends") entered into a Memorandum of Understanding, effective September 1, 2009 ("2009 MOU"), which was replaced by a new Memorandum of Understanding dated December 13, 2011 ("2011 MOU"), which was then terminated and replaced by a Second Memorandum of Understanding dated November 4, 2014 ("Second MOU"); and

WHEREAS, the Second MOU requires the sale of the Main Street Property, with payment by the County of 50% of the net proceeds, less associated sales costs, to the Friends; and

WHEREAS, the County has given notices to other government agencies of the availability of the Main Street Property pursuant to Government Code Section 54220 et. seq., and no agencies expressed an interest in

the property; and

WHEREAS, Government Code Section 25526 provides that County-owned real property may be sold in accordance with the provisions of said code section after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

WHEREAS, Government Code Section 25527 provides that the Board may authorize the payment of a real estate commission to a real estate broker who is instrumental in obtaining a proposal; and

WHEREAS, the County of San Luis Obispo Department of Planning and Building on October 17, 2013 determined that the County's disposition of the Main Street Property is in conformance with the County's General Plan and said determination was filed on October 24, 2013; and

WHEREAS, the County of San Luis Obispo Department of Planning and Building issued a Categorical Exemption citing Section 15312 (a)(b)(2) that the disposition of the Main Street Property will not result in any significant environmental impacts, and said determination was filed on October 25, 2013 and certified as Environmental Determination 13-084; and

WHEREAS, the County Board of Supervisors on May 6, 2014 approved the processing of a Land Use Element / Local Coastal Plan Amendment LRP2013-00015, to change the land use category of the Main Street Property from Public Facilities to Commercial Retail; and

WHEREAS, the County of San Luis Obispo Planning Commission on August 28, 2014 approved Land Use Element / Local Coastal Plan Amendment LRP2013-00015, to change the land use category of the Main Street Property from Public Facilities to Commercial Retail; and

WHEREAS, the California Coastal Commission on December 11, 2014 approved Local Coastal Plan Amendment LCP-3-SLO-14-0839-3 to re-designate the Main Street Property from Public Facilities to Commercial Retail zoning; and

WHEREAS, based on review of prior comparable sales and an appraisal of the property, the Central Services Department previously recommended a minimum bid price of \$540,000 for the Main Street Property; and

WHEREAS, a public auction was held on April 21, 2015 as authorized in Resolution #2015-9 dated January 13, 2015, and the County received no bids at the minimum bid price of \$540,000; and

WHEREAS, based upon further review and analysis of recent comparable sales data and additional market research, the General Services Department recommends a reduced minimum bid price of \$497,500; and

WHEREAS, it is in the public interest to surplus and sell the Main Street Property.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code Section 25526 the Board finds the Main Street Property and all interests to be deeded are not required for County use and declares its intent to surplus and sell the properties to the highest qualified bidder, at a minimum bid of Four Hundred Ninety-Seven

Thousand Five Hundred Dollars (\$497,500).

2. This Board hereby sets Tuesday, January 19, 2016 at 1:30 PM, or as soon as possible thereafter, in the chamber of the County Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo as the time and place to act on the surplus and sale of the aforementioned real property. Written sealed bids on the County's bid form must be submitted on or before Monday, January 18, 2016 at 5:00 PM to the County of San Luis Obispo, General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408, ATTN: Real Property Manager.
3. In addition to the above, said sale shall be upon all of the following terms and conditions:
 - a. The minimum acceptable bid price for the Main Street Property shall be no less than \$497,500 and shall be payable in cash through escrow.
 - b. A nonrefundable deposit of \$10,000 payable by cashier's check to the County of San Luis Obispo shall be required with the bid.
 - c. Escrow shall close within 45 days following bid acceptance by the County Board of Supervisors.
 - d. The Main Street Property will be sold in as-is condition, with no repairs or reports provided by the County except a preliminary title report.
 - e. Included with the property will be an easement of approximately five (5.00) feet in width over the adjacent parcel and along the southeasterly property line to accommodate the encroachment of the building eaves and to provide surface access to the property.
 - e. No conditions of sale will be accepted, including financing conditions.
 - f. Upon successful close of escrow, a real estate sales commission of three percent (3%) of the selling price, or an amount as otherwise determined by California Government Code Section 25531 and 25532, shall be payable from the proceeds of sale to a selling licensed real estate broker who is instrumental in obtaining the offer to purchase the Main Street Property, provided that the name of the broker and commission is identified at the time of the bid.
 - g. County and purchaser shall pay their own customary closing costs for San Luis Obispo County.
 - h. Title to the Main Street Property shall be transferred in the form of a grant deed.
4. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell this real property pursuant to Government Code Section 25526, with the resolution to be posted by the Clerk pursuant to Government Code Section 25528, and the attached Notice of Intention to Sell to be published by the Clerk pursuant to Government Code Section 6063 in a newspaper of general circulation published in the County.

5. The net proceeds from this sale of the Main Street Property shall be applied toward the purchase and improvement of the McKinney Property in accordance with the Second Memorandum of Understanding between the Friends of the Cambria Library and the County of San Luis Obispo dated November 4, 2014, or as future amended.
6. The County Real Property Manager is hereby authorized to perform all acts required to prepare the Main Street Property for sale, including but not limited to, applying for a rezone, and to sign any related documents.

Upon motion of Supervisor Mecham, seconded by Supervisor Gibson, and on the following roll call vote, to-wit:

AYES: Supervisors Mecham, Gibson, Compton and Chairperson Arnold

NOES: None

ABSENT: Supervisor Hill

ABSTAINING: None

The foregoing resolution is hereby adopted:

Debbie Arnold
Chairperson of the Board of Supervisors

ATTEST:

Tommy Gong
Clerk of the Board of Supervisors

By: Sandy Currens
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT
Rita L. Neal,
County Counsel

By: /s/Shannon G. Matuszewicz
Deputy County Counsel

DATE: October 6, 2015

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO}

ss.

I, **TOMMY GONG**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on
January 8, 2016.

TOMMY GONG,
County Clerk and Ex-Officio Clerk of the Board of
Supervisors

By: Sandy Currens
Deputy Clerk

**NOTICE OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY IN THE
UNINCORPORATED AREA OF CAMBRIA**

Notice is hereby given, pursuant to California Government Code section 6063 that the County of San Luis Obispo intends to sell real property at 900 Main Street in the unincorporated area of Cambria, totaling approximately 9,888 square feet of land zoned Commercial Retail, Assessor's Parcel Number 022-251-019, to the highest bidder. The property will be sold as-is and will include an existing commercial building totaling approximately 2,331 square feet and 0.58 water Equivalent Dwelling Units (EDUs) to serve the property.

Bids must be submitted on the County's bid form. A bid form and a description of the parcel are available in the office of the County Central Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408. **The minimum bid price is set at \$497,500.** All sealed bid forms are due to the Central Services Department located at the above-referenced address on or before Monday, January 25, 2016 at 5:00 PM. The County Board of Supervisors intends to conduct an auction of said real property at a regular meeting of said Board occurring in the Board Chambers, New County Government Center, 1055 Monterey Street, San Luis Obispo, on Tuesday, January 26, 2016 at 1:30 PM, or as soon as possible thereafter. The sealed bid forms will be presented at the Board of Supervisors meeting and oral bids will be called for before the final acceptance of any proposal.

For information or to obtain a bid form, please call County Real Property Manager at (805) 781-5206 or fax to (805) 781-1364 or e-mail to sdragomir@co.slo.ca.us.

DATE: December 23, 2015

TOMMY GONG, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Sandy Currens,
Deputy Clerk-Recorder

"PLEASE TAKE NOTICE that the Board of Supervisors will act on the surplus and sale of the real property located at 900 Main Street, Cambria on JANUARY 26, 2016, not January 19, 2016. The date of the holding of the Board's regular meeting has been changed as the Board of Supervisors had not approved its 2016 Board of Supervisors Meeting Calendar at the time it acted on the attached "Second Amended Resolution of Intention to Surplus and Sell County-Owned Real Property in the Unincorporated Area of Cambria." The Board of Supervisors is not meeting on January 19, 2016 and, accordingly, the proposals will be received and considered at the Board's JANUARY 26, 2016 regular meeting. All sealed written bids are due by 5:00 PM on JANUARY 25, 2016, not January 15, 2016. All other terms and conditions of the October 20, 2015 adopted Resolution remain unchanged."